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FM AMEMBASSY GABORONE
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SIPDIS

DEPARTMENT FOR AF, AF/SPG, AF/RSA AND IO
ADDIS ABABA FOR USAU

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SUBJECT: BOTSWANA TO RESPECT ICC RULING, EXIT SUDAN

Classified By: DCM Philip R. Drouin; Reasons 1.4 (b) and (d).

¶1. (C) Foreign Minister Phandu Skelemani convoked resident G-8 Missions France, Germany, Japan, the U.S. and UK, as well as the EU on March 6 to brief on current GOB thinking on Sudan and Zimbabwe (septel). Taking note of the International Criminal Court indictment against Sudan President Bashir, the outcry this decision has caused in some quarters (notably Khartoum), and the emerging AU consensus to defer action on this indictment, Botswana has decided on its own course of action. Skelemani (an articulate and lawyerly former Attorney General here) stressed that Botswana has a longstanding tradition to respect the rule of law and international legal obligations. As a signatory to and member of the ICC, Botswana recognizes and accepts the validity of the Bashir indictment. Skelemani added that in accordance with its obligations to the ICC, the GOB would feel compelled to comply with the indictment "and take him in" should Bashir ever come into Botswana jurisdiction (not that this is planned or foreseen at this time).

¶2. (C) In addition, Botswana has now decided to remove its remaining personnel (a small number, about 10, of military observers and policemen -- the MFA did not present specifics) from Sudan. A Botswana Defence Force soldier, attached to an African Union contingent in Darfur, was killed there last year. Skelemani sees the situation as dangerous and increasingly unstable in Sudan, and thus the GOB no longer wishes to be a part of this engagement.

¶3. (C) Comment: The DCM noted that while the USG is not a party to the ICC, we have been actively involved in seeking a peaceful resolution to the tragic and deeprooted conflicts in Sudan, noting our key commitment and involvement to implement the 2005 Comprehensive Peace Agreement between north and south and also the 2006 Darfur Peace Agreement.

The DCM sought clarification from Minister Skelemani, given that atrocities will certainly continue in Darfur in the wake of the ICC ruling and as NGOs and aid organizations are being ejected or are pulling out, if Botswana's decision to leave Sudan is simply something under consideration or a fait

accompli. Skelemani acknowledged that conflict in Sudan will continue and that is a terrible thing, but the GOB's decision is final about pulling out Botswana personnel (many whose tours of duty are about to come to an end anyway). The GOB feels its people are especially at risk, because, as Skelemani added in closing, "In Africa, we have set ourselves up as a target, because we talk too much," (against the consensus) and with apparent reference to Botswana's rather isolated position in SADC against Zimbabwe. End Comment.
NOLAN